IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO. 2088 OF 2005 .

Punjab State Container & Warehousing
Corporation Ltd., Navi Mumbai. .. Petitioner.
V/s.
Dattaram Sarvankar & anr. .. Respondents.

Shri R.S. Pai i/b M/s Sanjay Udeshi & Co. for the petitioner.

Shri N.M. Ganguli for the respondents.

CORAM : V.C.DAGA, J.

DATED : 4.5..2006.

P.C. :

. Heard rival parties.

2. This petition is directed against the interim order dated 16.2.2005 passed by the Industrial Court, Thane, below Ex.2, in Complaint (ULP) No.55 of 2005, whereby the respondent-petitioner is directed to keep transfer order and the relieving order in abeyance till decision of the complaint.

3. On being noticed, respondent, who is working with the petitioner on the post of Driver, appeared and filed affidavit. He has produced copy of the interview letter dated 13.8.1997. Para 3 of the said letter reads as under:

. It is made clear that you would be posted at Navi Mumbai and nowhere else. You may please come for interview only if you can work at Navi Mumbai, on contract basis on fixed emoluments."

4. Reading of the above para unequivocally goes to show that the post of Driver which was offered to the respondent No.1 was not a transferable post. As a matter of fact, it was specifically mentioned in the letter that he would be posted at Navi Mumbai only and nowhere else.

5. Learned Counsel appearing for the petitioner submitted that the interview pursuant to the above letter was cancelled. However, no document was produced to show alleged cancellation of interview.

6. The impugned order takes into account the various submissions advanced by rival parties and by a reasoned order interim stay has been granted by the Industrial Court. The view taken by the Court below is a reasonable and possible view. No perversity in the order could be demonstrated by learned Counsel for the petitioner. In this view of the matter, no case is made out to interfere with the impugned order. The petition is, therefore, dismissed in limine with no order as to costs.

7. At this stage, learned Counsel for the petitioner submits that directions be given to the Industrial Court to dispose of the complaint

expeditiously. Shri Ganguli for the respondent submits that the complaint is already posted for hearing on 5th June 2006. In this view of the matter, no orders are necessary for expeditious disposal of the complaint. Needless to mention that the Industrial Court shall decide the complaint on its own merits, uninfluenced by the impugned order and confirmation thereof by this Court.

(V.C.DAGA,J.)